

BUTTACI LEARDI & WERNER LLC  
103 Carnegie Center, Suite 323  
Princeton, NJ 08540  
609.799.5150  
609.799.5180 (fax)

ZUCKERMAN SPAEDER LLP  
485 Madison Avenue, 10th Floor  
New York, NY 10022  
212.704.9600  
917.261.5864 (fax)

*Attorneys for Plaintiff/Counterclaim Defendant  
Columbia East Side Ambulatory Surgery, P.C.*

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

---

THE MEDICAL SOCIETY OF THE STATE  
OF NEW YORK, *et al.*, : Civil Action No. 16-cv-5265 (JPO)

*Plaintiffs,* :

- v. - :

UNITEDHEALTH GROUP INC., *et al.*, :

*Defendants.* :

---

**NOTICE OF COLUMBIA EAST SIDE AMBULATORY SURGERY'S  
MOTION TO DISMISS DEFENDANTS' COUNTERCLAIMS**

**PLEASE TAKE NOTICE** that, upon the accompanying Memorandum of Law and Declaration of John W. Leardi, dated June 4, 2018, Plaintiffs shall move this Court, before the Honorable J. Paul Oetken, U.S.D.J., on a date and at a time convenient for the court, at Room 706, at the Thurgood Marshall United State Courthouse, 40 Foley Square, New York, NY 10007, for an order pursuant to Federal Rules of Civil Procedure Rule 12(b)(6) dismissing the Defendants' Counterclaims with prejudice for failure to state a claim upon which relief can be granted (the "Motion"). The grounds for the Defendants' Motion are set forth in the accompanying Memorandum of Law.

**PLEASE TAKE FURTHER NOTICE** that Plaintiffs hereby request oral argument.

Dated: June 4, 2018

Respectfully submitted,

/s/ John W. Leardi

John W. Leardi  
BUTTACI LEARDI & WERNER LLC  
103 Carnegie Center, Suite 323  
Princeton, NJ 08540  
609.799.5150  
609.799.5180 (fax)  
jwleardi@buttacilaw.com

D. Brian Hufford  
Jason S. Cowart  
Anant Kumar  
Nell Z. Peyser  
ZUCKERMAN SPAEDER LLP  
485 Madison Avenue, 10th Floor  
New York, NY 10022  
212.704.9600  
917.261.5864 (fax)  
dbhufford@zuckerman.com  
jcowart@zuckerman.com  
akumar@zuckerman.com  
npeyser@zuckerman.com

Cyril V. Smith (*pro hac vice*)  
ZUCKERMAN SPAEDER LLP  
100 East Pratt Street, Suite 2440  
Baltimore, MD 21202  
410.332.0444  
410.659.0436 (fax)  
csmith@zuckerman.com

*Attorneys for Plaintiff/Counterclaim Defendant  
Columbia East Side Ambulatory Surgery, P.C.*